

2669



MEMO

9/33442-24

Inmate Name: Cyrus Whitson TDOC Number: 231650

Institution: HCCX Housing Unit: 8-28

Institution Grievance Number: 33442-24 TOMIS Grievance Number: 368335

Commissioner's Response and Reasons:

The Inmate Jobs Manager has reviewed the grievance and:

Concur with Warden Concur with Supervisor Concur with Committee

10/01/2024
Date

Ferndell Thompson, Jr.
Assistant Commissioner of Prisons

FS-19



TENNESSEE DEPARTMENT OF CORRECTION
INMATE GRIEVANCE RESPONSE

2669
C. Whitsen 237655 NECX 33442-24/368335
NAME NUMBER INSTITUTION & UNIT GRIEVANCE NUMBER

Summary of Evidence and Testimony Presented to Committee I'm Claims she was never counseled on any program notes, and they were false for various reasons

Inmate Grievance Committee's Response and Reasons Request warden review

9-11-24 DATE

Sgt. Wadzka CHAIRMAN

Randy Jones MEMBER

Jeanne B. /CCB MEMBER

MEMBER

J.W. Howell MEMBER

Warden's Response: Agrees with Proposed Response



Disagrees with Proposed Response



If Disagrees, Reason(s) for Disagreement _____

Action Taken: Concur with Supervisor

DATE: 9/12/24

WARDEN'S SIGNATURE: Bn-O

Do you wish to appeal this response? / YES NO

If yes: Sign, date, and return to chairman for processing. Grievant may attach supplemental clarification of issues or rebuttal/reaction to previous responses if so desired.

Cyrus Whitsen
GRIEVANT

9/18/24 DATE

Sgt. Kleinberg
WITNESS

Commissioner's Response and Reason(s):
RECEIVED

SEP 24 2024

BY:

Prison Operations

DATE

SIGNATURE

Distribution Upon Final Resolution:

White - Inmate Grievant Canary - Warden Pink - Grievance Committee Goldenrod - Commissioner

CR-1393 (Rev. 3-06) Case 2:24-cv-00191-DCLC-CRW Document 2-5 Filed 10/18/24 Page 2 of 24
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TENNESSEE DEPARTMENT OF CORRECTION

INMATE GRIEVANCE RESPONSE

C. Whitson 237655 NECX 33442-24/368335
NAME NUMBER INSTITUTION & UNIT GRIEVANCE NUMBER

Summary of Evidence and Testimony Presented to Committee I lm Claims she was never counseled on any program notes, and they were false for various reasons

Inmate Grievance Committee's Response and Reasons Request warden review

9-11-24
DATE

Sgt. Wadg
CHAIRMAN

Randy Free
MEMBER

Jan B /cc3
MEMBER

MEMBER

E. McDowell
MEMBER

Warden's Response: Agrees with Proposed Response

Disagrees with Proposed Response

If Disagrees, Reason(s) for Disagreement _____

Action Taken: Concur with Supervisor

DATE: 9/12/24

WARDEN'S SIGNATURE: Bn-D

Do you wish to appeal this response? YES NO

If yes: Sign, date, and return to chairman for processing. Grievant may attach supplemental clarification of issues or rebuttal/reaction to previous responses if so desired.

Cyrus Whitson
GRIEVANT

9/18/24
DATE

Sgt. Kain Dwyer
WITNESS

Commissioner's Response and Reason(s): _____

DATE

SIGNATURE

Distribution Upon Final Resolution:

Case 2024 m 00191 DC0 GRW Document 25 Filed 10/16/24 Page 3 of 17

NECX Grievance Committee Hearing

Date: 9-11-24
Chairperson: Sgt. Worley
Staff Member: Randy Fornie
Inmate Member: _____
Grievant: C. Whitson
Grievance #: 33A42-24
Area Grieved: job

Begin Time: _____ End Time: _____
Clerk: Tipton
Staff Member: Jamie Bragg CC3
Inmate Member: Shelton
TDOC #: 237055
Tomis ID #: 308335

Sergeant reviews with grievance Board and response along with any attached paperwork, and then asks if the Grievant has anything to add. Grievant/ Inmate states the following:

I'm states she can not be punished for leaving after 3pm when her hrs. stop at 3pm.
I'm claims she was not counseled on any program note she was given.

Chairperson asks the Board for questions and Grievant responds:

Grievant is excused from hearing; Board's recommendation:

Request warden review

Grievance Board — Committee Hearing Minutes

NECX

Grievance Chairperson: Sgt. Worley

Staff Members: C.O. Freeman, Counselor Bowman

Inmate Members: Eddie McConnell

Grievance Clerk: Albert Tipton

Date: September 11, 2024

Grievance #: 33442-24/368335

Grievant / Inmate Name: C. Whitson

TDOC#: 237655

- Hearing began as scheduled at 09:23.
- All parties have read the grievance.
- Grievant restates his issue.
- Grievant states that he regularly works at his job far beyond his scheduled hours and therefore should be allowed to leave once his shift is over without receiving a program note.
 - Grievant states that his (her) regular hours are from 9am until 3pm.
 - Grievant states that Sgt. Penrod can verify that the Grievant had completed his duties prior to leaving on the day the program note was entered.
 - Grievant further states that no notification was given when program notes were issued as required by policy.
 - Grievant further states that the program notes were improperly filled out omitting the name of the supervisor filing the program note.
- Discussion between the Board members and the Grievant.
- Sgt. Worley states that the Grievant was never counseled on any of the program notes when they were issued.
- Chairperson Worley recommends sending the grievance to the Warden for further review.
- No further question from the Board.
- Grievant was dismissed from the hearing.
- Hearing was adjourned 09:35.

Grievance Clerk



Albert Tipton



TENNESSEE DEPARTMENT OF CORRECTION
INMATE GRIEVANCE

RECEIVED
SEP 04 2024

Cyrus Whitson 237655 N.E.C.X 8/28
NAME NUMBER INSTITUTION & UNIT

DESCRIPTION OF PROBLEM: Contact Notes

REQUESTED SOLUTION: Please do the Right thing and Dismiss these
Bogus CONTACT NOTES and give me Back my Job.

Cyrus Whitson 9/2/2024
Signature of Grievant Date

TO BE COMPLETED BY GRIEVANCE CLERK

33442-74/368335 09-04-2024 R.W.D.F.H.
Grievance Number Date Received Signature Of Grievance Clerk

INMATE GRIEVANCE COMMITTEE'S RESPONSE DUE DATE: _____

AUTHORIZED EXTENSION: _____ New Due Date _____ Signature of Grievant

INMATE GRIEVANCE RESPONSE

Summary of Supervisor's Response/Evidence: _____

Chairperson's Response and Reason(s): _____

DATE: _____ CHAIRPERSON: I'm requested hearing

Do you wish to appeal this response? ✓ YES _____ NO _____

If yes: Sign, date, and return to chairman for processing within five (5) days of receipt of first-level response.

Cyrus Whitson 9/10/24 Sgt. W.W.S.
GRIEVANT DATE WITNESS

Distribution Upon Final Resolution:

White - Inmate Grievance, Canary - Warden, Document Committee, Golden - Commissioner (if applicable)

CR-1394 (Rev. 3-00)

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Paged # 59 RDA 2244



TENNESSEE DEPARTMENT OF CORRECTION
INMATE GRIEVANCE (continuation sheet)

RECEIVED
SEP 04 2024

DESCRIPTION OF PROBLEM: ON 5-27-24 i Was gave a Contact Note By J. Cook Aramark Food Supervisor For leaving work i Work From 9AM TIL 3PM 6 hours. is all i'm payed for. BUT i STAYS and help TIL 7:15 PM Every day. 7 days a week, and i left at 7PM Sgt. PinRod said i could leave Each Time i left. ON 5-27-24 ON 6-8-24 ON 7-9-24 Sgt PinRod told me i Could leave Each one of those days IT WAS after 7PM and my Hours are 9AM TIL 3PM
ON 7-17-24 i got a CONTACT NOTE from aramark Supervisor OTT. it's a good NOTE i had my Diet trays under other Trays my Name was Not on them. ~~Good~~ Good NOTE.
ON 8-1-24 i Was gave a NOTE By Someone there is no Staff's Name in the Comment Box was Should be By policy 103.12. VI. C.
ON 8-2-24 i Was gave a CONTACT NOTE By Aramark manager Reitz For Food Found on Round the world Cart everybody Knows i do NOT load the Carts i do NOT push the Cart C/o Swallow and CP Cingle Know who was pushing that Cart IT WAS NOT ME. BUT i GETS a CONTACT NOTE for iT. the Person that loads them Carts and pushes them they are the ones that's Responsible for whatever's on them Carts we all knows this. i dont even like Hartsook. why would i send him a Tray i Was Never Told By none of these Supervisors that they had gave me a CONTACT NOTE By policy i should have Been Told Before i Was gave a note. See attached Policy. Warden Andrew told me to Appeal the Job Drop.

Distribution Upon Final Resolution:

Case 2:24-cv-00191-DCLC-CRW Document 25 Filed 10/18/24 Page 7 of 17

White Inmate Grievant Canary Warden Pink - Grievance Committee Colerend - Commissioner (if applicable)



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 103.12	Page 1 of 2
Effective Date: October 1, 2020	
Distribution: A	
Supersedes: 103.12 (10/15/17)	

Approved by: Tony Parker

Subject: DOCUMENTATION OF SIGNIFICANT INMATE-RELATED CONTACTS

- I. **AUTHORITY:** TCA 4-3-603 and TCA 4-3-606.
- II. **PURPOSE:** To establish procedures for documenting significant contacts with or regarding inmates to allow other staff who receive similar inquiries to provide adequate response.
- III. **APPLICATION:** To all Tennessee Department of Correction (TDOC) employees, employees of privately managed facilities, and Tennessee Rehabilitative Initiative in Correction (TRICOR).
- IV. **DEFINITIONS:**
 - A. **Active Help:** A feature of the Offender Management System (OMS) that allows the user to view codes tables.
 - B. **Significant Contact:** Verbal or written communication with or regarding an inmate that is likely to prompt further communication with Central Office staff, the Governor's office, state legislators, or the media.
- V. **POLICY:** All employees shall document significant contact with or regarding an inmate on OMS conversation LCDG, (i.e., case notes and contact notes).
- VI. **PROCEDURES:**
 - A. Significant contact with or regarding an inmate may include, but is not limited to, correspondence, telephone inquiries, and face to face communication.
 - B. Prior to responding to inquiries pertaining to inmates, staff should review previously documented contact notes (and actual written correspondence, if necessary) regarding the same issue and inmate, if such information exists.
 - C. The employee shall ensure that the entry is made on OMS (i.e., case notes and contact notes) within three working days of the contact. This shall include the responding employee's staff ID, unless the employee is responding on behalf of a supervisor (i.e., drafting a letter for the Commissioner's or Warden's/Superintendent's signature, etc.). In such cases, the staff ID of the individual to sign the response shall be entered by the employee preparing the draft response, who shall include their name in the comments section of the detail screen.
 - D. The LCDG prompt screen must include the inmate's TDOC ID.



TENNESSEE DEPARTMENT OF CORRECTION

RESPONSE OF SUPERVISOR OF GRIEVED EMPLOYEE OR DEPARTMENTDATE: 09-04-2024

Please respond to the attached grievance, indicating any action taken.

Date Due: 09-11-202433442-24/360735

Grievance Number

C. Whitson

Inmate Name

237655

Inmate Number

F.D. - Smith :

Reviewed job notes on inmate for position in Kitchen. Appropriate notes were entered to justify removal request per policy.

Request for program dismissal was approved by JC Roark and AWT Andrews based on job notes.

Also followed up with Kitchen manager Cumba who verified the accuracy of job notes entered

ASL
SIGNATURE9/10/24
DATE

Effective Date: October 1, 2020	Index # 103.12	Page 2 of 2
Subject: DOCUMENTATION OF SIGNIFICANT INMATE-RELATED CONTACTS		

1. The contact type shall be specific and appropriate. Code types for OMS are available through active help, which can be accessed by positioning the cursor on the field in question and entering the "@" symbol and pressing the Enter key. The appropriate code may be selected from the list. Code types for OMS are available through the "contact type" dropdown window.
2. Code type QQQQ (No Contact Code, Typed Text) shall be used only when an appropriate contact type does not exist in the codes table.

E. Entries on the detail screen must include the name of the individual initiating the contact (if other than the offender), a narrative summary indicating the nature of the contact, the response or disposition, and the date provided. Use discretion when documenting the narrative summary, and at no time should the name of the victim or victim's family be included.

VII. ACA STANDARDS: None.

VIII. EXPIRATION DATE: October 1, 2023.

Effective Date: March 15, 2021	Index # 505.07	Page 18 of 26
Subject: INMATE PROGRAMMING (JOBS/CLASSES/TREATMENT)		

6. Non-Disciplinary Dismissals or Demotions:

- a. Documentation of the problems and the attempts to correct them shall be provided. OMS Contact Notes contact type IJOB shall be used for this documentation. A minimum of three notes must be entered in OMS prior to consideration of a non-disciplinary dismissal or demotion request. Examples of types of documentation may include a record of verbal counseling/warning, written warning, tardiness and/or Notice of Denial of Program Credits, CR-3224. Reasons shall be documented on OMS Job/Class Terminations.
- b. Full Program Sentence Credits shall not be awarded if it conflicts with the Contact Note or Program Note.
- c. TRICOR employees shall also enter the documentation in the OMS Contact Notes. Other state agencies utilizing inmate workers off institutional grounds shall provide written documentation if they do not have access to OMS. Work crew supervisors who monitor inmates that work for other agencies shall make the appropriate entries. Directives from Central Office administration shall be documented in the OMS. Reasons for dismissals or demotions may also be documented on Request for Program Dismissal, CR-3054. Reasons may include, but are not limited to:
 - (1) Failure due to inability to perform the skills of the position. This shall result in a non-disciplinary dismissal or demotion when supervisory attempts of assistance or correction are unsuccessful. Documentation of the failure must be specific. The term "probation" is not an acceptable reason for a job dismissal.
 - (2) Inmates showing no academic progress as documented in Policy #117.02.
 - (3) If it is felt that the inmate's continued presence in the work area is detrimental to the morale of the work force or the productive operation of the area, or to the security and safety of the institution, an inmate may receive a non-disciplinary dismissal upon recommendation of the supervisor or other appropriate staff. Specific reason(s) for the dismissal shall be documented. A request for dismissal due to one instance usually requires a disciplinary dismissal.
 - (4) The Warden/Superintendent can terminate an inmate's program assignment based on their participation in any STG related activity if it is deemed to present a risk to the safety, security, or orderly operation of the facility. The Warden/Superintendent/designee shall use OMS Conversation LCDG Contact Notes, (Contact Type STGI), to document specific reasons. (See Policy #506.25)
 - (5) Whenever an inmate becomes ineligible due to change in custody level, housing assignment, etc., appropriate action (dismissal,

Job / Class NotesLinks Suspend TOMIS ID **00237655** Watson, Cypress, Tx.

Status ACTV



Reset key fields

Inquire

Institution ID **NECX** Northeast Correctional Complex

Refresh

Class ID

Section

Modify

Job Code **COHE** Cook HelperPosition ID **0007**

Delete

Date **06/08/2024** By **CUNHAD01** Cunha, Adriana**RECEIVED**
AUG 13 2024Note Type **NE** No Effort To Complete Tasks

First

Comments

Page Up

WINTON LEFT JOB BEFORE THE SHIFT WAS OVER WITHOUT TELLING
ARAMARK SUPERVISOR. JOB INCOMPLETE.
ARAMARK. SUPERVISOR COOK, AND FSM REITZ WITNESSED.

Pagedown

FastPath

Posted Date **06/09/2024** Go

My Name IS NOT WINTON
 EVEN THOE. SGT. PINRAD SAID I COULD
 LEAVE AND MY JOB IS 9AM TIL 3PM
 THESE 3 NOTES FROM COOK WAS GAVE
 TO ME AFTER 7:15 PM I ONLY GET PAID
 FOR 6 HR. NOT THE 10 HRS I WORKED EVERYDAY
 7 DAYS A WEEK ALL THREE OF J. COOKS NOTES
 IS CAUSE I LEFT AFTER WORKING 10 HR STRAIGHT
 AND SGT PINRAD SAID I COULD LEAVE EACH TIME
 I LEFT

Job / Class NotesLinks Suspend TOMIS ID Whitson, Cyrus R

Status ACTV



Reset key fields

Inquire

Institution ID NECX Northeast Correctional Complex

Refresh

Class ID

Section

Modify

Job Code COHE Cook Helper

Position ID 0007

Delete

Date 05/27/2024 By CUNHAD01 Cunha, Adriana

First

Page Up

Comments

LEFT BEFORE COMPLETING HIS ASSIGNED TASK.
J COOK

FastPath

Posted Date 05/28/2024

No More Notes Exist For Offender

No NAME in Comment Box of
who's he's talking about

Job / Class NotesLinks Suspend TOMIS ID **00237655** Wilson, Cyrus R.

Status ACTV



Reset key fields

Inquire

Institution ID NECX Northeast Correctional Complex

Refresh

Class ID

Section

Modify

Job Code COHE Cook Helper

Position ID 0007

Delete

Date 07/09/2024 By CUNHAD01 Cunha, Adriana

Note Type

First

Page Up

Comments

Pagedown

ON 7/6/2024, INMATE LEFT BEFORE ARAMARK STAFF COULD CHECK
HIM OUT FOR THE EVENING. JOB ABANDONMENT.
ARAMARK COOK

FastPath



Go

Posted Date 07/09/2024

No Name of who's he's talking about
in comment box

Job / Class NotesLinks Suspend TOMIS ID **00237655** Vintzileos, Cyrus R

Status ACTV



Reset key fields

Inquire

Institution ID **NECX** Northeast Correctional Complex

Refresh

Class ID

Section

Modify

Job Code **COHE** Cook HelperPosition ID **0007**

Delete

Date **07/17/2024** By **CUNHAD01** Cunha, Adriana

First

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Comments

Pagedown

INMATE AGAIN, HAD UNAUTHORIZED FOOD FOUND UNDER A STACK OF DIET TRAYS ON THE DIET TRAY COUNTER. THIS IS BECOMING A REOCCURRING ISSUE, PREVIOUSLY WITH INMATE THAT WAS COACHED ON LAST WEEK. ARAMARK OTT.
REITZ

FastPath
 GoPosted Date **07/17/2024**

This is a good contact note
 I did have my Diet tray under
 a stack of other Diet's tray.
 But its no Name in the comment box
 of who he's talking about

Job / Class NotesLinks Suspend TOMIS ID **00237655** Author: Cyrus R.

Status ACTV

Reset key fields

Inquire

Institution ID NECX Northeast Correctional Complex

Refresh

Class ID

Modify

Job Code COHE Cook Helper

Delete

Date 08/01/2024 By CUNHAD01 Cunha, Adriana

Note Type BP Behavior Problem

RECEIVED

AUG 13 2024

Section

Position ID 0007

First

Page Up

Comments

Pagedown

INMATE WHITSON WAS DIRECTED TO CHANGE POSITIONS FOR NEW
 INMATE TRAINING ON THE DIET WINDOW. INMATE WHITSON REFUSED
 TO DO SO AND LEFT THE KITCHEN. INMATE WHITSON IS CAUSING
 WORK HOSTILITY DURING HER PRESENCE HERE AS WELL. COACHED
 INMATE WHITSON THIS AM IN MY OFFICE IN WHICH SHE GETS LOUD.
 I COACHED HER ON ATTITUDE AND BEHAVIOR NOT BEING TOLERATED.

FastPath

Go

Posted Date 08/01/2024

This NOTE DO NOT STATE WHO GAVE IT
 TO ME IN THE COMMENT BOX Pre Policy

Job / Class NotesLinks Suspend TOMIS ID **00237655** Author: Cyrus R.

Status ACTV



Reset key fields

Inquire

Institution ID **NECX** Northeast Correctional Complex

Refresh

Class ID

Section

Modify

Job Code **COHE** Cook HelperPosition ID **0007**

Delete

Date **08/02/2024** By **CUNHAD01** Cunha, Adriana

Note Type

RECEIVED
AUG 13 2024

Pagedown

Comments

INMATE SENT OUT FOR A DIET TRAY FRIED TURKEY WHICH WAS FOUND
 DURING CART SEARCH. SENT OUT TO HARTSOOK ON THE ROUND THE
 WORLD CART. FOUND BY C/O CINGLE AND C/O SWALLOW.
 ARAMARK REITZ
 DATE WAS FILED UNDER WRONG INMATE ORIGINALLY*

FastPath

 GoPosted Date **08/02/2024**

I do NOT load the Diet carts or
 Push them. Cart was stopped by C/O Swallow
 and C/O Cingle. they know it was NOT me
 pushing the cart. or No where around the Cart
 why would i send Hartsook a tray i don't even
 like him. No name in comment Bot of
 who he's Talking about